

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	}	CHAPTER 13
	}	
PAMALA DENISE HELLER,	}	CASE NO. 18-60154-PMB
	}	
DEBTOR	}	JUDGE BAISIER

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Melissa J. Davey, Chapter 13 Trustee has filed a ***Motion to Modify Plan, or in the Alternative, Motion to Dismiss Case and Notice of Hearing*** and related papers with the Court seeking an order modifying the Plan or dismissing the case.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the ***Motion*** in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia, at **9:25 A.M. on July 29, 2021**. Given the current public health crisis, hearings may be telephonic only. Please check the “[Important Information Regarding Court Operations During COVID-19 Outbreak](#)” tab at the top of the GANB Website prior to the hearing for instructions on whether to appear in person or by phone.

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is 1340 U.S. Courthouse (and Richard B. Russell Federal Building), 75 Ted Turner Drive, Atlanta, GA 30303-3367. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: **June 15, 2021**.

/s/

Kelsey A. Makeever, GA Bar No.: 371499  
Attorney for the Chapter 13 Trustee  
260 Peachtree Street, NW, Suite 200  
Atlanta, GA 30303  
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UNITED STATES BANKRUPTCY COURT  
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IN RE:	{	
	{	
PAMALA DENISE HELLER,	{	CASE NO. 18-60154-PMB
	{	
DEBTOR.	{	CHAPTER 13

**CHAPTER 13 TRUSTEE'S MOTION TO MODIFY PLAN, OR IN THE  
ALTERNATIVE, MOTION TO DISMISS CASE**

COMES NOW MELISSA J. DAVEY, Standing Chapter 13 Trustee in the above styled case, and files this, her Motion to Modify Plan, or in the Alternative, Motion to Dismiss Case, and respectfully shows the court the following:

1.

This case was filed on June 18, 2018, under Chapter 13, Title 11 of the United States Code, and confirmed on March 7, 2019. The confirmed plan provides for payments of \$1,210.00 per month and a pro rata share of \$10,000.00 to be paid to unsecured creditors.

2.

The confirmed Plan also provides that tax refunds which Debtor is entitled to receive during the applicable commitment period shall be remitted to Trustee for disbursement to creditors under this Plan.

3.

During this case, Trustee did not receive any federal income tax refunds for the years 2018, 2019, and 2020.

4.

If Debtor received federal tax refund and did not remit it to the Trustee, then Debtor may be in material default of the terms of the confirmed Plan, and may have caused unreasonable delay that is prejudicial to creditors.

5.

Under 11 U.S.C. Sections 1329(a)(1), 1329(a)(2), 1329(b)(1) and 1325(a)(3), the Plan should be modified and the base of the Plan should be increased in the amount of all refunds Debtor should have contributed to this case. Debtor must provide tax returns for all years referenced above to determine the proper amount of this adjustment.

6.

In the alternative, if Debtor fails to provide the tax returns and/or to remit the required tax refunds to the Trustee, then this case should be dismissed. 11 U.S.C. Section 1307(c).

Wherefore, based on the foregoing, Trustee respectfully requests that the Court grant this Motion and modify the Plan to increase the Plan base, or that the Court dismiss the case, and for such other relief as the Court deems just and proper.

This 15<sup>th</sup> day of June, 2021.

Respectfully submitted,

/s/

Kelsey A. Makeever, GA Bar No.: 371499  
Attorney for the Chapter 13 Trustee  
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18-60154-PMB

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day electronically filed the foregoing Motion to Modify Plan, or in the Alternative, Motion to Dismiss Case using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

ATTORNEY:

HOWARD P. SLOMKA  
HS@ATL.law

I further certify on this day I caused a copy of this document to be served via United States First Class Mail on the following parties at the address shown for each:

DEBTOR(S):

PAMALA DENISE HELLER  
1064 SLY FOX RUN  
FAIRBURN, GA 30213

This 15<sup>th</sup> day of June, 2021.

/s/  
Kelsey A. Makeever, GA Bar No.: 371499  
Attorney for the Chapter 13 Trustee  
260 Peachtree Street, NW, Suite 200  
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